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MEMO ENDORSED

ROBINSON
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June 16, 2021

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VIA ECF AND ELECTRONIC MAIL

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007
CaproniNYSDChambers@nysd.uscourts.gov

Re: *Stifel, Nicolaus & Company, Inc., v. Invata Ltd.*, 21-cv-4211 (VEC)

Dear Judge Caproni:

I write on behalf of Defendant Invata Ltd. to respectfully request a brief adjournment of the Initial Pretrial Conference in this matter. The conference is currently scheduled for June 25, 2021, at 2:00 p.m. under the Notice of Initial Pretrial Conference (Doc. 5).

Invata's response to the complaint is currently due July 19, 2021. Invata does not seek to extend this deadline, and it does not believe that the requested adjournment of the pretrial conference will prejudice Plaintiff or delay the progress of this litigation.

Invata makes this request to enable it to fully evaluate the claims against it and because it is nearing completion of its pending acquisition by NeoGenomics, Inc. Invata anticipates this change-of-control transaction will close later this month, at which time new decision-makers will control Invata. The requested adjournment will provide time to complete the acquisition and for Invata's new leadership to consult with counsel regarding this litigation. There have been no prior requests for adjournments or extensions of time in this matter. Invata consulted with Plaintiff's counsel regarding this request, and he responded that Plaintiff did not consent in the absence of an agreement on the terms of a case management order.

Invata has also consulted with Plaintiff's counsel regarding alternate dates pursuant to your Individual Practices and proposes that the Initial Pretrial Conference be adjourned to any Friday in July or August except July 16 or August 13: July 2, 9, 23, or 30 or August 6, 20, or 27, with a corresponding letter deadline approximately one week prior to the conference.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



Adam K. Doerr

Application GRANTED.

The initial pretrial conference, currently scheduled for Friday, June 25, 2021 at 2:00 P.M., is hereby adjourned to **Friday, July 2, 2021 at 10:00 A.M.** The parties pre-conference submissions are due no later than **Thursday, June 24, 2021**. For the conference dial in information and for a description of the pre-conference submission requirements, the parties should consult the Court's order at docket entry 5.

SO ORDERED.

Valerie Caproni

Date: June 16, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE